

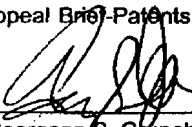
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Attention: Commissioner for Patents**Attorney Docket No. PD-980130**

Please find attached Re:

Serial No.: 09/534,708

Filing Date: March 24, 2000

➤ **SUPPLEMENT TO BRIEF ON APPEAL PER
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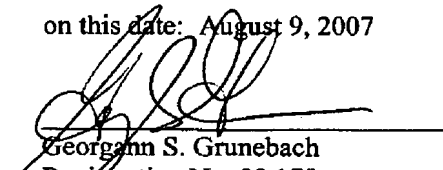
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SUPPLEMENT TO BRIEF ON APPEAL

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Sir:

Pursuant to the Notification of Non-Compliant Appeal Brief mailed
August 2, 2007, in connection with the above-identified patent application,
Applicant respectfully submits the instant Supplement to the Brief on Appeal
including a corrected Summary of the Claimed Subject Matter.

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Supplement to Brief on Appeal
Serial No.: 09/534,708
Page 2 of 10**V. Summary of the Claimed Subject Matter**

Although reference numerals and specification citations are inserted below in accordance with 37 C.F.R. 41.37(c)(1)(v), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to these examples. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology as is done here to comply with rule 41.37(c)(1)(v) does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

In the invention as defined in claim 28, a method of broadcasting television content and program guide data (Page 9, lines 5-22), the television content divided into a plurality of television channels (Page 6, line 19-Page 7), line 4), each television channel constructed from at least one content component (Page 3, lines 1-3 and lines 5-8), the program guide data including multiple channel objects (Page 3, lines 5-13), each channel object associated with one of the television channels (Page 3, lines 5-8), each channel object

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including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display (Page 3, lines 1-16 and Page 12, line 14-Page 13, line 10) is recited as comprising: providing the television content and the program guide data (Page 9, lines 5-22); adding conditional logic to channel objects that include more than one channel definition (page 13, line 11-Page 14, line 2), the conditional logic including one or more rules that must be evaluated by a receiver to identify a first channel definition or a second channel definition based on receiver characteristics data representing a characteristic of the receiver (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; and Page 17, line 18-Page 18, line 4), the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component (Page 28, line 11-Page 29, line 6); combining the television content and the program guide data into an output stream (Page 9, lines 5-22); and broadcasting the output stream to a plurality of receivers (Page 9, lines 5-22).

In the invention as defined in claim 29, one of the conditions contained in the conditional logic of a channel object of claim 28 is further based on subscription data representing channels to which a user subscribes (Page 24, line 20-Page 21, line 8).

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In the invention as defined in claim 30, one of the conditions contained in the conditional logic of a channel object of claim 28 is further based on selection history data representing programs that a user has previously watched (Page 26, line 23-Page 27, line 4).

In the invention as defined in claim 32, the receiver characteristics data of claim 28 is further specified to include geographic location data representing a specific geographic location, and one of the conditions contained in the conditional logic of a channel object is based on the geographic location data (Page 33, lines 3-8).

In the invention as defined in claim 33, the receiver characteristics data of claim 28 is further specified to include at least one identification code that uniquely identifies a receiver and one of the conditions contained in the conditional logic of a channel object is based on the identification code (Page 16, line 17-Page 17, line 4).

In the invention as defined in claim 34, one of the conditions contained in the conditional logic of a channel object of claim 28 is further based on both the current time at the site of the receivers and subscription data representing channels to which users of the receivers subscribe (Page 24, line 20-Page 21, line 8 and Page 27, lines 5-17).

In the invention as defined in claim 35, one of the conditions contained in the conditional logic of a channel object associated with a pay per view television channel of claim 28 is further based on the current time at the site of

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the receivers and pay per view purchase data representing pay per view programs that have been ordered by a user (Page 31, lines 9-23).

In the invention as defined in claim 36, a method of receiving television content and program guide data that is broadcast from a television broadcasting station (Page 9, lines 5-22), the television content divided into a plurality of television channels (Page 6, line 19-Page 7), each television channel constructed from at least one channel content component (Page 3, lines 1-3 and lines 5-8), the program guide data including multiple channel objects (Page 3, lines 5-13), each channel object associated with one of the television channels (Page 3, lines 5-8), each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display (Page 3, lines 1-16 and Page 12, line 14-Page 13, line 10), each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on receiver characteristics data (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; and Page 17, line 18-Page 18, line 4) is recited as comprising: receiving the television content and the program guide data by a receiver station that includes a receiver (Page 9, lines 5-22); storing the program guide data in a memory (Page 15, lines 8-10); receiving a tuning request that selects a television channel (Page 23, lines 15-18); responding to the tuning request by evaluating the conditions in the one or

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more rules of the channel object associated with the selected television channel and identifying a first channel definition or a second channel definition for that television channel based on receiver characteristics data representing a characteristic of the receiver (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; Page 17, line 18-Page 18, line 4; and Page 23, line 19-Page 24, line 4), the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component (Page 28, line 11-Page 29, line 6); and generating an output of the selected television channel (Page 24, line 5-Page 25, line 8), the output including the channel content components identified by the first channel definition or the second channel definition (Page 24, line 5-Page 25, line 8 and Page 28, line 11-Page 29, line 6).

In the invention as defined in claim 37, a system for receiving television content and program guide data that is broadcast from a television broadcasting station (Page 9, lines 5-22), the television content divided into a plurality of television channels (Page 6, line 19-Page 7), each television channel constructed from at least one channel content component (Page 3, lines 1-3 and lines 5-8), the program guide data including multiple channel objects (Page 3, lines 5-13), each channel object associated with one of the television channels (Page 3, lines 5-8), each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the

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television channel associated with that channel object for display (Page 3, lines 1-16 and Page 12, line 14-Page 13, line 10), each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on system characteristics data representing a characteristic of the system (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; and Page 17, line 18-Page 18, line 4) is recited as comprising: a receiver for receiving the television content (Page 9, lines 5-22); a memory for storing received program guide data (Page 15, lines 8-10); a controller coupled to the memory, the controller receiving a tuning request that selects a television channel (Page 23, lines 15-18), the controller responding to the tuning request by evaluating the conditions in the one or more rules of the channel object associated with the selected television channel and identifying a first channel definition or a second channel definition for that television channel based on system characteristics data representing a characteristic of the system (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; Page 17, line 18-Page 18, line 4; and Page 23, line 19-Page 24, line 4), the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component (Page 28, line 11-Page 29, line 6); and display means for generating an output of the selected television channel (Page 24, line 5-Page 25, line 8), the output including the channel content components identified by

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the first channel definition or the second channel definition (Page 24, line 5-
Page 25, line 8 and Page 28, line 11-Page 29, line 6).

In the invention as defined in claim 38, the first channel definition of
claim 28 is further specified to comprise a channel definition defining channel
content components associated with a user who has purchased a program or an
event, and wherein the second channel definition comprises a channel
definition defining channel content components associated with a user who
has not purchased a program or an event (Page 31, lines 9-23).

In the invention as defined in claim 39, the first channel definition of
claim 36 is further specified to comprise a channel definition defining channel
content components associated with a user who has purchased a program or an
event, and wherein the second channel definition comprises a channel
definition defining channel content components associated with a user who
has not purchased a program or an event (Page 31, lines 9-23).

In the invention as defined in claim 40, the first channel definition of
claim 37 is further specified to comprise a channel definition defining channel
content components associated with a user who has purchased a program or an
event, and wherein the second channel definition comprises a channel
definition defining channel content components associated with a user who
has not purchased a program or an event (Page 31, lines 9-23).

In the invention as defined in claim 41, the receiver characteristics data
representing the characteristic of the receiver of claim 28 indicates a model
number associated with a receiver (Page 16, line 17-Page 18, line 4).

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In the invention as defined in claim 42, the conditional logic of claim 28 instructs the receiver to select the first channel definition if the model number is greater than a predetermined number and instructs the receiver to select the second channel definition if the model number is less than the predetermined number (Page 18, line 21-Page 19, line 15).

In the invention of claim 43, the receiver characteristics data representing the characteristic of the receiver of claim 28 indicates whether or not the receiver includes a software capability (Page 17, line 18-Page 18, line 4).

In the invention of claim 44, the receiver characteristics data representing the characteristic of the receiver of claim 28 indicates whether or not that receiver includes a hardware component (Page 17, line 18-Page 18, line 4).

In the invention of claim 45, the receiver characteristics data representing the characteristic of the receiver of claim 28 indicates a status of the receiver (Page 17, line 18-Page 18, line 4).

In the invention of claim 46, the receiver characteristics data representing the characteristic of the receiver of claim 36 indicates a model number associated with the receiver (Page 18, line 21-Page 19, line 15).

In the invention of claim 47, the system characteristics data representing the characteristic of the system of claim 37 indicates a model number associated with the system (Page 18, line 21-Page 19, line 15).

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Respectfully submitted,



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Date: August 9, 2007

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